

*United States Court of Appeals
for the Second Circuit*



APPENDIX

75-1066

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

B
Pgs 5

UNITED STATES OF AMERICA,

Appellee,

-against-

JOHN MEJIAS, JR.,

Docket No. 75-1066

Appellant.

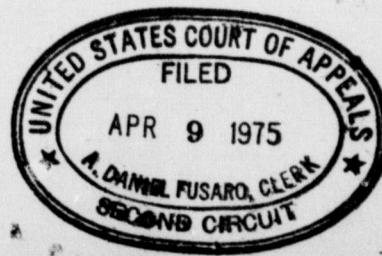
APPENDIX

ON APPEAL FROM A JUDGMENT
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
FEDERAL DEFENDER SERVICES UNIT
509 United States Court House
Foley Square
New York, New York 10007
(212) 732-2971

E. THOMAS BOYLE,

Of Counsel



PAGINATION AS IN ORIGINAL COPY

74CR 46

-COSTANTINO, J.
-MISNER, J.

TITLE OF CASE

G. G. F. 100

ATTOR

BARTENDER

FBI U. S.: 701: 085 C.R.

For deft RAMOS:

Howard L. Jacobs

401 Broadway, NYC.10013
431-3710

For Defendant: MEJIA JR.

-Stanley-Klein

666-FIFTH-AVE. - N.Y.C.

581-1340 Howard Jacobs
401 Broadway, NYC.
421-3710

Effect of goods in i.c.c.

DATE	PROCEEDINGS
1-22-74	Before JUDD, J - Indictment filed - ordered sealed by the Court - Bench Warrants Ordered and Issued as to both defts.
1-23-74	Before JUDD, J - Case called - defts & counsels present - defts produced on bench warrant - Indictment ordered unsealed - defts arraigned and enter pleas of not guilty - Bail set at \$30,000 surety bond as to deft RAMOS & \$50,000 surety as to deft MEJIAS, JR. case referred to Chief Judge Mishler for further actions.
1-23-74	Bench Warrants returned and filed - Executed as to both defts.
2-5-74	Letter dated Feb. 1, 1974 from deft Ramos forwarded to Chambers (for speedy trial etc)
2-5-74	Notice of Appearance filed (RAMOS)
2-5-74	Notice of Appearance filed (MEJIAS JR.)

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DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
2-5-74	Before MISHLER, CH J - case called - motion by defts for reduction of bail argued - motion denied as to deft MEJIAS; motion granted as to deft RAMOS - Bail reduced to \$25,000 with a cash deposit of \$2,500. April 4, 1974 for trial.		
2-5-74	Letter of Feb. 5, 1974 filed and Certificate of Engagement dated Feb. 5, 1974 setting date for trial on April 4, 1974 at 10:am		
2-6-74	Notice of readiness for trial filed		
2-6-74	Letter from deft RAMOS to Chambers dated 2-1-74 filed re:letter of grievance		
2-15-74	By CATOGGIO, Order for acceptance of cash bail filed (RAMOS)		
3-7-74	Magistrate's file 74 M 259 inserted in CR file.		
3-15-74	Before MISHLER, CH J - case called - deft JOHN MEJIAS JR & counsel Stanley Klein present - motion for reduction of bail argued and motion denied.		
3-25-74	Before MISHLER, CH J - case called - Motion by deft RAMOS to exonerate bail is granted - new bail set at \$50,000 surety Co. bond		
3-25-74	By MISHLER, CH.J. - Copy of Order releasing bail filed.		
4-1-74	Before MISHLER, CH J - case called - defts RAMOS & MEJIAS JR present with counsel Mr. Jacobs - Mr. Jacobs is substituted for Mr. Klein on consent of deft MEJIA - Both defts arraigned and withdraw their pleas of not guilty after being advised of their rights by the court and each on his own behalf enters a plea of guilty to count 1 - sentences adjd without date - bail continued.		
4-1-74	Notice of Appearance filed (MEJIAS JR)		
4-2-74	By MISHLER, CH J - Order filed that the deft EDWARD RAMOS be present before this Court by Writ of Habeas Corpus from Union County Jail, Elizabeth, N.J., be released by the U.S. Marshal for the Eastern District of N.Y. to the custody of Special Agents Patrick Colgan & Walter Quigley of the F.B.I. for the period not to exceed 6 hours until 7:00 PM this date (March 27, 1974) at which time the deft will be returned to the custody of the U.S. Marshal for the Eastern District of NY. (order date March 27 but received and filed in Clerks Office April 2, 1974)		
4-2-74	Order retd and filed - Executed as to deft RAMOS.		
5-30-74	Petition for writ of habeas corpus ad prosequendum filed (RAMOS)		
5-30-74	By MISHLER, CH.J. - Writ issued, ret. 6-3-74 (RAMOS)		
5-3-74	Writ retd and filed- executed		
6/7/74	Before MISHLER, CH.J. - Case called- Sentence adjd to 6/16/74 on consent		

DATE

PROCEEDINGS

6-10-74	Before MISHLER, CH J - case called - defts present 6 counsels not present - sentence adjd to June 14, 1974 at 9:30 am on consent.
6-14-74	Before MISHLER, CH J - case called - defts & counsels present - On oral motion of AUSA Clarey and with the consent of both parties sentence adjd to Aug. 23, 1974 - On application of defts and on consent of the Govt deft MEJIAS' bail is reduced to \$25,000 bond secured by cash deposit of \$2,500 and deft RAMOS' bail is reduced to \$25,000 P/R Bond.
7-6-74	74 M 894 inserted in criminal folder (RAMOS)
10-4-74	Before MISHLER, CH J - case called - deft MEJIAS & counsel H. Jacobs present - deft sentenced to imprisonment for an indeterminate period pursuant to 18: 5010(b) and 4209. On motion of AUSA Clarey count (2) is dismissed.
10-4-74	Judgment & Commitment filed - certified copies to Marshal (MEJIAS)
10-4-74	Before MISHLER, CH J - case called - deft RAMOS JR & counsel H. Jacobs present - sentence adjd to Nov 1, 1974 on consent.
10-15-74	Certified copy of Judgment & Commitment retd and filed - deft MEJIAS delivered to Federal Detention Headquarters.
10-18-74	Notice of Appeal filed without fee (Mejias) see notation by Ch. Judge Mishler granting filing without fee at the bottom of the Notice of Appeal
10-18-74	Docket entries and duplicate of Notice mailed to C of A(MEJIAS)
10-30-74	Bertified copy of Judgment & Commitment retd and filed - deft MEJIAS delivered to Federal Reformatory, Petersburg, Va.
11-1-74	Before MISHLER, CH J - case called - deft RAMOS & counsel H. Jacobs present - Imposition of sentence is suspended and the deft is placed on probation for 5 years pursuant to 18:5010(a) and 4209. On motion of AUSA Clarey count (2) is dismissed.
11-1-74	Judgment and Order of Probation filed - certified copies to Probation (RAMOS)
11/27/74	Petition for writ of habeas corpus ad testificandum filed (MEJIAS)
11/27/74	By MISHLER, CH.J.- writ issued, ret. 1/17/75
1/6/75	By MISHLER, CH.J.- Order filed that deft MEJIAS be released to the U.S. Marshals, and transported to Federal Detention Headquarters on or before Jan. 6, 1975, etc.
1-13-74	Stenographers transcript filed dated 1-1-74.
12-16-74	Voucher for Expert Services filed (Mejias Jr)

DATE	PROCEEDINGS
12-17-74	Letter filed dated Nov. 14, 1974, received from Chambers (Mejias Jr) for setting aside conviction etc.
12-17-74	By MISHLER, CH J - Memorandum of Decision and Order filed granting application for transcript of the above sentencing procedure conducted on Nov. 1, 1974. Copies of the transcript have been turned over to the Legal Aid Society and the U.S. Attorney and are to be returned upon completion of the proceedings instituted by the deft pursuant to 28:2255. (to be filed in Criminal docket only)
12-17-74	two stenographers transcripts filed (one dated Jan. 23, 1974 and one dated Oct. 4, 1974)
12-18-74	Voucher for Expert Services filed (Mejias)
12/20/74	Order received from court of appeals and filed re:appellants brief and appendix (MEJIAS)
1-17-75	Defts Memorandum of Law filed (Mejias, Jr)
1/17/75	Before MISHLER, CH.J.- Case called- Deft MEJIAS and counsel Thomas Boyle present- Hearing held on claim of conflict of interest- Hearing concluded Court vacated deft's sentence- Case to be reassigned to another Judge
1-20-75	Writ retd and filed - Executed (Mejias, Jr)
1-29-75	Judgment received from the Court of Appeals and filed withdrawing appeal of deft Mejias Jr from the U.S. District Court for the Eastern District of N.Y. with prejudice(motion by appellant etc)
1-31-75	Stenographic transcript filed dated June 14, 1974.
1-31-75	Stenographic transcript filed dated Feb. 5, 1974
2-4-75	Voucher for Expert Services filed
2/14/75	Before BARTELS, J.- Case called- Deft and counsel present- Deft MEJIAS sentenced to the provision of the Y.C.A. T-18. U.S.C. Sec. 5010(b) until discharged by the Youth Correction Division- Deft remanded
2/14/75	Judgment and Commitment filed- certified copies to Marshal
2/14/75	Certificate of conviction in State of New York filed
2-18-75	Stenographers transcript filed dated Jan 23, 1974.
2/19/75	Certified copy of Judgment and Commitment retd and filed- copies sent to Federal Detention Headquarters (MEJIAS)
2-19-75	Notice of Appeal filed (No fee-Mejias) Legal Aid counsel.
2-19-75	Docket entries and duplicate of Notice mailed to C of A (Mejias).
2-24-75	Record on Appeal certified and handed to I.G.I. for delivery to the Court of Appeals (Mejias Jr)
A TRUE COPY ATTEST DATED 2/1/75 LEWIS ORCEL CLERK BY (Signature) DEPUTY CLERK	

TPP:RLC:mc
F.#741,085

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

JAN 22 1974

X TIME A.M.
P.M.

UNITED STATES OF AMERICA

INDICTMENT

- against -

JOHN MEJIAS, JR. and
EDWARD RAMOS,

Crim. No.
(T. 18, U.S.C., §2, §659
and §924(c)(1))

Defendants.

74CR 46

THE GRAND JURY CHARGES:

COUNT ONE

On or about the 13th day of January 1974, within the Eastern District of New York, the defendant JOHN MEJIAS, JR. and the defendant EDWARD RAMOS did knowingly and unlawfully steal, take and carry away with intent to convert to their own use approximately 39,000 pounds of swinging beef having a value in excess of One Hundred Dollars (\$100.00) while said beef was moving as part of and constituted an interstate shipment of freight from Wichita, Kansas to Brooklyn, New York.
(Title 18, United States Code, Section 659 and Section 2)

COUNT TWO

On or about the 13th day of January 1974, the defendant JOHN MEJIAS, JR. and the defendant EDWARD RAMOS did knowingly and unlawfully use a firearm to commit a felony for which they may be prosecuted in a court of the United States to wit: the stealing and taking away with intent to convert to their own use approximately 39,000 pounds of swinging beef having a value in excess of One Hundred Dollars (\$100.00) while said beef was moving as a part of and constituted an interstate shipment of freight from Wichita, Kansas to Brooklyn, New York

-2-

in violation of Title 18, United States Code, Section 659
and Section 2. (Title 18, United States Code, Section
924(c)(1))

A TRUE BILL.

Francis Skuldege

FOREMAN

Edward J. Bayliff
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

CERTIFICATE OF SERVICE

4/9, 1975

I certify that a copy of this brief and appendix
has been mailed to the United States Attorney for the
Eastern District of New York.

E. Thomas Boyle